

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-43752

THOMAS PATRICK KOLOFF,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER REQUIRING DEBTOR TO FILE AND SERVE  
A 15-DAY NOTICE OF DEBTOR'S AMENDED MOTION TO  
EXEMPT DEBTOR FROM INSTRUCTIONAL COURSE CONCERNING  
PERSONAL FINANCIAL MANAGEMENT**

On March 26, 2009, Debtor filed his "Corrected Motion to Exempt Debtor From Instructional Course Concerning Personal Financial Management within 45 Days of the Meeting of the Creditors, As Required Under 11 U.S. C. § 1328(g)"<sup>1</sup> and a **10-day** notice of the motion. (Docket # 19, the "Motion"). Debtor appears to assume that L.B.R. 1007-6(a) applies to the Motion. It does not, because the Motion does not seek relief under 11 U.S.C. § 109(h)(3). (Moreover, Debtor already filed his credit counseling certificate, timely, on February 12, 2009.) Rather, the Motion is governed by L.B.R. 9014-1, which requires that a **15-day** notice of the Motion be filed and served. In addition, it appears that Debtor did not serve his 10-day notice or Motion on all the required parties.

Debtor *might* be entitled to the relief sought, *see, e.g., In re Trembulak*, 362 B.R. 205, 206 (Bankr D.N.J. 2007), but Debtor must first correct the above problems and then wait to see if any party timely objects.

Accordingly,

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<sup>1</sup> The Court notes that in the Motion, Debtor cites 11 U.S. C. § 1328(g)(2). But that section only applies in Chapter 13 cases. *See* 11 U.S.C. § 103(i). Because this is a Chapter 7 case, the applicable provision appears to be 11 U.S.C. § 727(a)(11).

IT IS ORDERED that Debtor must file and serve on all creditors, the Chapter 7 Trustee, and the United States Trustee, a 15-day notice of the Motion, and then file proof of such service, all no later than **April 2, 2009**. If Debtor fails to do this by the stated deadline, the Court may deny the Motion without further notice or hearing.

**Signed on March 26, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**